

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shalini Tripathi	Team: Team # 4	CCRB Case #: 200916705	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/23/2009 6:15 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 4/23/2011	EO SOL 4/23/2011	
Date/Time CV Reported Tue, 10/27/2009 8:08 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 10/27/2009 8:08 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Mashiel Santos	19136	943782	120 PCT
2. POM Alex Toro	27242	927597	120 PCT
3. SGT Bruce Ceparano	00485	933682	120 PCT
4. Officers			120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Alex Toro	Force: PO Alex Toro used physical force against § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Alex Toro	Discourtesy: PO Alex Toro spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POM Alex Toro	Abuse: PO Alex Toro threatened to notify Administration for Children's Services.	§ 87(2)(b)
D.POM Alex Toro	Abuse: PO Alex Toro entered § 87(2)(b)	§ 87(2)(b)
E.POF Mashiel Santos	Abuse: PO Mashiel Santos entered § 87(2)(b)	§ 87(2)(b)
F. Officers	Force: Officers used physical force against § 87(2)(b)	§ 87(2)(b)
G.POF Mashiel Santos	Discourtesy: PO Mashiel Santos spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
H.POM Alex Toro	Abuse: Alex Toro threatened to damage § 87(2)(b)'s property.	§ 87(2)(b)
I.POF Mashiel Santos	Abuse: PO Mashiel Santos refused to provide her name and shield number to § 87(2)(b)	§ 87(2)(b)
J.POM Alex Toro	Abuse: PO Alex Toro refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
K.SGT Bruce Ceparano	Abuse: Sgt. Bruce Ceparano refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed a complaint with the CCRB via the call processing system on October 27, 2009 (encl. 8).

On October 23, 2009, at approximately 6:15 PM, PO Alex Toro and PO Mashiel Santos responded to a call for police assistance at § 87(2)(b) in Staten Island. The following allegations resulted:

- **Allegation A – Force: PO Alex Toro used physical force against § 87(2)(b) and § 87(2)(b)**
§ 87(2)(g)
- **Allegation B - Discourtesy: PO Alex Toro spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b)**
§ 87(2)(g)
- **Allegation C - Abuse of Authority: PO Alex Toro threatened to notify Administration for Children’s Services.** § 87(2)(g)
- **Allegation D – Abuse of Authority: PO Alex Toro entered** § 87(2)(b)
- **Allegation E – Abuse of Authority: PO Mashiel Santos entered** § 87(2)(b)
§ 87(2)(g)
- **Allegation F – Force: Officers used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation G - Discourtesy: PO Mashiel Santos spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b)**
§ 87(2)(g)
- **Allegation H – Abuse of Authority: PO Alex Toro threatened to damage § 87(2)(b) s property.** § 87(2)(g)
- **Allegation I – Abuse of Authority: PO Mashiel Santos refused to provide her name and shield number to § 87(2)(b)**
- **Allegation J - Abuse of Authority: PO Alex Toro refused to provide his name and shield number to § 87(2)(b)**
- **Allegation K - Abuse of Authority: Sgt. Bruce Ceparano refused to provide his name and shield number to § 87(2)(b)**
§ 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-old Hispanic female who is 5'0" tall, weighs 178 pounds, and has brown hair and brown eyes. § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on November 12, 2009 (encl. 9). She stated that on October 23, 2009, a woman named § 87(2)(b) identified by the CCRB as § 87(2)(b) was at the apartment of § 87(2)(b) and her husband, § 87(2)(b) located on the first floor of § 87(2)(b) in Staten Island. While at § 87(2)(b)'s apartment, § 87(2)(b) realized her purse was missing, and so went outside at approximately 6:15 PM and used her cell phone to call officers. Two officers from the 120th Precinct, identified by § 87(2)(b) as PO Alex Toro and PO Mashiel Santos, responded to the address. PO Toro ordered § 87(2)(b) who was outside with § 87(2)(b) to go inside the apartment and find § 87(2)(b)'s purse. PO Toro then grabbed § 87(2)(b)'s right arm and threw her against a fence.

§ 87(2)(b) told PO Toro that she was going to call the CCRB, to which he responded, "Oh, yeah, bitch, I'm going to make an ACS report on you." The officers then pushed § 87(2)(b) into her apartment, and followed her inside. When § 87(2)(b) asked the officers why they had entered the apartment without a warrant, PO Santos replied, "Remember, you invited us in."

Once the officers were inside the apartment, both of them grabbed § 87(2)(b)'s arms in an attempt to handcuff her, which she resisted. The officers continued to attempt to handcuff § 87(2)(b) and she continued to physically resist being handcuffed. When § 87(2)(b) attempted to call 911 on her house phone at some point during this struggle, PO Santos slapped the phone out of her hand, and the phone subsequently hit PO Santos in the face. PO Santos said to § 87(2)(b) "You stupid bitch, you know I'm police, why are you calling police?"

§ 87(2)(b) suddenly realized that approximately ten uniformed officers were at her apartment. § 87(2)(b) arrived at this point and informed the officers that § 87(2)(b) was pregnant, which she had already told them. § 87(2)(b) heard one of the officers say to her, "Fuck this bitch," but she did not know which officer said this.

The officers continued to grab at § 87(2)(b)'s arms in an attempt to place handcuffs on her, and she continued to resist being handcuffed. The three moved into the bedroom. Another officer that responded to her house, PO1, identified by the CCRB as Sgt. Bruce Ceparano, threw her to the ground. Sgt. Ceparano assisted PO Santos in handcuffing § 87(2)(b) which took approximately thirty minutes.

§ 87(2)(b)'s pit bull, China, and some of her children were inside the bedroom while she was struggling with the officers. § 87(2)(b) noted that if China had not been locked inside the bedroom, the dog would not have allowed the officers to enter the house. The officers pointed a gun at China and threatened to shoot her. § 87(2)(b) threw himself on top of China to prevent the officers from killing her.

§ 87(2)(b) called an ambulance to the apartment, which § 87(2)(b) saw Sgt. Ceparano wave away from the location. § 87(2)(b) saw six or seven marked police cars outside the house.

§ 87(2)(b) did not ask for medical attention at the precinct, and has not received medical treatment since the incident. The officers reported § 87(2)(b) to ACS because of her alleged intoxication at the scene of the incident.

Complainant/Victim: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-old Hispanic male who is 5'5" tall, weighs 178 pounds, and has brown hair and brown eyes.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on November 12, 2009 (encl. 10). § 87(2)(g) § 87(2)(b) stated that he did not know the responding officers' names, because whenever he or § 87(2)(b) would ask for their names, the officers would both turn their name plates and shields over. In addition to PO Alex Toro and PO Mashiel Santos, § 87(2)(b) identified a third officer at the location, a bald white male, who also refused to provide his name and shield number. § 87(2)(b) § 87(2)(b) stated that he saw this officer the next day at the 120th Precinct, and that he saw that this officer's shield number was #1776.

§ 87(2)(b) alleged that upon arriving at the location, PO Toro and PO Santos said to the couple, "Oh, you know you all fucking got that wallet. Where's the wallet?" § 87(2)(b) also alleged that after he escorted his wife into the house, the officers followed the couple in, entering the apartment without permission from § 87(2)(b) or § 87(2)(b). § 87(2)(b) threatened to call the CCRB at this point, and PO Toro replied, "Oh, yeah, bitch? You gonna call the CCRB? Guess what? I'm calling ACS now, bitch."

Right after PO Toro threatened to call ACS, PO Santos said she would take § 87(2)(b)'s "ass in," and § 87(2)(b) asked her on what grounds he could be arrested. PO Santos replied, "You don't fucking worry about it, I'm locking you up."

§ 87(2)(b) further alleged that PO Toro said to him when he tried protecting their dog, "You know what? You got [till] the count of five. Get the fuck out the way, or I'm gonna shoot her." After saying this, PO Toro allegedly grabbed § 87(2)(b) by the front of his shirt and then threw him backwards against the wall of his bedroom.

Witness: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-old black female.

CCRB Statement

§ 87(2)(b) was interviewed over the phone on May 6, 2010 (encl. 11). § 87(2)(b) who followed the officers into the house and witnessed the entire incident, § 87(2)(g) § 87(2)(b) did not see either officer throw § 87(2)(b) against a fence. § 87(2)(b) stated that § 87(2)(b) refused to exit the house when the officers arrived, and that the officers entered the house only after they asked her several times to come outside to speak with them. § 87(2)(b) did not see either officer punch or otherwise hit § 87(2)(b) or § 87(2)(b). She did not see either officer throw § 87(2)(b) to the floor of the house. § 87(2)(b) stated that the only time she saw officers touch § 87(2)(b) was when they escorted her out of the house. She did not see either officer draw a gun at any point during the incident. She noted that the officers repeatedly asked § 87(2)(b) to close the door to a room because there was a dog inside of it, but § 87(2)(b) refused to do this, and that the officers eventually told § 87(2)(b) that they would shoot the dog if it came out of the room. She did not hear any officer use discourteous language during the incident. § 87(2)(b) stated that § 87(2)(b)

§ 87(2)(b) was intoxicated when the officers arrived and characterized her behavior during the incident as “irrational.”

NYPD Statements:

Subject Officer: PO ALEX TORO

- § 87(2)(b) -old Hispanic male, 5'6", 155 pounds, brown hair and brown eyes.
- On the date of the incident, PO Toro was assigned to patrol sectors H and J in the 120th Precinct in marked patrol car #2269. He worked from 3:00 PM to 11:35 PM with PO Mashiel Santos in uniform.

Memo Book

At 6:56 PM, PO Toro noted a past larceny at § 87(2)(b). At 7:28 PM, PO Toro noted that one female had been arrested for menacing with a dog. This woman was irate, intoxicated, and belligerent. PO Toro also noted in the fly pages of his memobook that § 87(2)(b) told him that the people who live on Staten Island are the “rich, retired, and the retarded,” and also told PO Toro, “I’m moving to Brooklyn, spic.”

CCRB Testimony

PO Toro was interviewed at the CCRB on February 19, 2010 (encl. 13). On October 23, 2009, PO Toro responded to a call placed by a female complainant, identified by the CCRB as § 87(2)(b) regarding missing money. § 87(2)(b) had called officers to § 87(2)(b) the address of § 87(2)(b) and § 87(2)(b).

When the officers arrived, § 87(2)(b) told them that the two women had been drinking alcohol. § 87(2)(b) also told the officers that two of the children at the house had told her that § 87(2)(b) had taken the money, and that when she subsequently asked § 87(2)(b) about the money, § 87(2)(b) began to scream, curse at, and threaten her, after which § 87(2)(b) called 911. When the officers arrived, they obtained statements from both § 87(2)(b) and § 87(2)(b) who were standing outside the house. § 87(2)(b) then went inside the house and brought § 87(2)(b) out to speak with the officers. § 87(2)(b) and § 87(2)(b) both insisted the officers go inside the house to look for the money.

§ 87(2)(b) told the officers that she had been drinking alcohol, that she was six months pregnant, and that she was on medication because she is bipolar. PO Toro told § 87(2)(b) that he would call an ambulance, but § 87(2)(b) said she did not need one. After § 87(2)(b) insisted a second time that the officers go inside the house and search anywhere for the money, they did so.

When the officers entered the house, one of § 87(2)(b)'s sons told the officers that she had taken the money, which angered § 87(2)(b). The officers did not feel that she should be left with the children that were present. When PO Toro told § 87(2)(b) that they should get her an ambulance and get her checked out, § 87(2)(b) replied, “You’re not fucking taking me anywhere. Fuck you, you fucking Spics!” § 87(2)(b) then went to a room, which the officers did not enter, containing a pit bull, and began coaxing the dog to attack the officers. PO Toro reiterated that he believed § 87(2)(b) should go to a hospital. § 87(2)(b) told the officers, “Fuck you,” again, and continued to incite the dog, who began to snap and bark at the officers.

The officers were standing in the doorway of the room with § 87(2)(b)'s children behind them. Neither of the officers ever entered this room before handcuffing her. PO Toro placed his hand on his gun but did not take it out of its holster, because of the presence of the children, who were telling § 87(2)(b) to go with the officers. § 87(2)(b) threatened to let the dog go if the

officers did not leave, and PO Toro told her that if she did, he would shoot the dog, and then called for backup and an ambulance. Several more officers arrived, but PO Toro could not recall who they were.

At no point during the incident did either § 87(2)(b) or § 87(2)(b) ask either PO Toro or PO Santos for their names or shield numbers. PO Toro stated that neither he nor PO Santos searched any part of the apartment. PO Toro also stated that neither officer used discourteous language during the incident, but that § 87(2)(b) had called the officers “retarded.” PO Toro did tell § 87(2)(b) that he was going to call ACS because of her behavior and the filthy conditions inside of the house.

The officers tried to grab § 87(2)(b) who flailed her arms and punched both of them, and continued to struggle as the officers tried to handcuff her. PO Toro did not recall which parts of § 87(2)(b)'s body he came into physical contact with while attempting to handcuff her. When they had finally placed handcuffs on her, the officers attempted to escort her outside, but § 87(2)(b) threw herself to the ground, chest-down, twice, to prevent the officers from taking her away. § 87(2)(b) went limp the second time, and so officers had to drag her outside. Neither PO Toro nor PO Santos slapped § 87(2)(b) while placing her in the car. PO Toro had requested an ambulance to go to the precinct, but when they arrived at the stationhouse, § 87(2)(b) did not want to go to the hospital.

Subject Officer: PO MASHIEL SANTOS

- § 87(2)(b) -old Hispanic female, 5'2", 190 pounds, brown hair and brown eyes.
- On the date of the incident, PO Santos was assigned to patrol sectors H and J in the 120th Precinct in marked patrol car #2269, a marked Chevy Impala. She worked from 3:00 PM to 11:35 PM with PO Alex Toro in uniform.

Memo Book

PO Santos noted that at 6:56 PM, she received a call for a larceny at § 87(2)(b). At 6:59 PM, she arrived at § 87(2)(b). At 7:28 PM, she noted that she had arrested an intoxicated female for § 87(2)(b). This female had commanded her dog to attack PO Santos and PO Toro, and the officers had to restrain her because she was flailing her arms. The female was screaming and causing a crowd to gather. PO Santos noted that at 7:50 PM, she arrived at the 120th Precinct. At 9:00 PM, the arrested female refused to give her name or get printed. At 9:05 PM, the arrested female spit on PO Santos and said, “fuck you and your family.”

Arrest Report

§ 87(2)(b)'s arrest report (encl. 15) states, “At t/p/o above perp did entice and command her dog to attack arresting officer and a/o partner. Deft also did recklessly command said dog (pitbull) to go after a/o. Deft was in her home with 4 young children and a neighbor when she was enticing dog. When a/o did try to arrest deft, deft did flail arms and punch a/o in the face and partner on neck with closed fist. Once deft was out on the street, deft was causing a racket and gathering of neighbors.”

CCRB Testimony

PO Santos was interviewed at the CCRB on February 26, 2010 (encl. 16). PO Santos's statement corroborated PO Toro's CCRB statement regarding the following allegations. Neither she nor PO Toro threw § 87(2)(b) against a fence outside of her house. Neither officer punched or otherwise hit § 87(2)(b) or § 87(2)(b) at any point during the incident. § 87(2)(b) asked the officers to enter the house and search for the missing wallet, and when they entered, her children told the officers that they had seen § 87(2)(b) take the wallet. Neither officer searched the apartment for the wallet. PO Santos suggested that § 87(2)(b) go to the hospital because she was intoxicated and stated she was pregnant, but § 87(2)(b) refused. PO Santos stated that when § 87(2)(b) refused to go with them, she began menacing the officers with a pit bull, who looked as if it would attack them. Neither officer removed their guns from their holsters or pointed them at the dog. Neither officer used discourteous language during the incident. § 87(2)(b) flailed her arms and threw herself to the ground in order to prevent the officers from handcuffing her.

PO Santos stated that § 87(2)(b) called ACS, not an officer, and that ACS contacted her the day after the incident regarding § 87(2)(b). PO Santos did not recall whether or not § 87(2)(b) or § 87(2)(b) asked for her name and shield number at any point during the incident.

Subject Officer: SERGEANT BRUCE CEPARANO

- § 87(2)(b) year old bald white male, 5'9", 215 pounds, brown eyes.
- On the date of the incident, Sgt. Ceparano was working as the patrol supervisor for the 120th Precinct in marked patrol car #4764. He worked in uniform from 2:50 PM to 11:47 PM with PO Michael Diario.

Memo Book

Sgt. Ceparano had no memo book entries regarding this incident.

CCRB Testimony

Sgt. Ceparano was interviewed at the CCRB on October 28, 2010 (encl. 18). Sgt. Ceparano stated that on October 23, 2009, at approximately 6:15 PM, he responded to a radio call placed by PO Alex Toro, requesting additional units. By the time Sgt. Ceparano arrived at the address, § 87(2)(b) was being escorted to a police car by PO Toro and PO Mashiel Santos. Sgt. Ceparano did not enter § 87(2)(b) and § 87(2)(b)'s house, and did not assist in handcuffing or restraining § 87(2)(b) in any way. Sgt. Ceparano did not speak with any civilians at the incident location and no civilian asked him for his name or shield number.

Arrest for Incident and Disposition

- On § 87(2)(b), § 87(2)(b) pled guilty to penal law 110 – 205.30, attempt to resist arrest, § 87(2)(b) (encl. 28 f).

Status of Civil Proceedings

- Neither § 87(2)(b) nor § 87(2)(b) have filed a Notice of Claim with the City of New York as of November 8, 2010, with regard to the incident.

Civilians Criminal History

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilians CCRB History

- § 87(2)(b) [REDACTED] has filed the following CCRB complaints. § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- This is the first CCRB complaint filed by § 87(2)(b) [REDACTED]

Subject Officers CCRB History

- PO Mashiel Santos has been a member of the service for three and there are no substantiated CCRB allegations against her (encl. 2).
- PO Alex Toro has been a member of the service for ten years and there is one CCRB allegation against him (encl. 1).
 - In CCRB case #200302168, PO Toro was cited for abuse of authority (refusal to provide name and shield). The sentence imposed was command discipline – instructions (encl. 1).

Conclusion

Identification of Subject Officers

Both § 87(2)(b) and § 87(2)(b) identified PO Alex Toro and PO Mashiel Santos by name. PO Toro and PO Santos acknowledged interacting with § 87(2)(b) and § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) stated that a third officer, a bald white male, was at the incident. § 87(2)(b) described this officer as standing approximately 6'2" and weighing between 190 - 200 pounds. § 87(2)(b) stated that this officer was approximately 5'3" and weighed between 145 – 150 pounds. § 87(2)(b) stated that this officer wore shield #1776, which he found out when he saw this same officer at the 120th Precinct on October 24, 2009. This shield number belongs to PO Michael Carroll, who is a bald white male assigned to the 120th Precinct. However, a review of PO Carroll's memo book showed that he was not on duty on October 23, 2009.

The SPRINT generated by the incident (encl. 20) shows that the 120th Precinct's sector H, comprised of PO Toro and PO Santos, and 120th Precinct patrol supervisor. The roll call from October 23, 2009, showed that Sgt. Bruce Ceparano was the only bald white supervisory officer on duty of the date of the incident (encl. 19 a). Sgt. Ceparano confirmed that he responded to a call from PO Toro to § 87(2)(b). Allegations of discourtesy, force and refusal to provide name and shield are therefore pleaded against PO Toro, PO Santos, Sgt. Ceparano. Though § 87(2)(b) said Sgt. Ceparano threw her to the ground, PO Toro, PO Santos and Sgt. Ceparano all indicated that PO Toro and PO Santos were the officers present at that point. This allegation has been pleaded against "Officers".

Investigative Findings and Recommendations

Allegation A – Force: PO Alex Toro used physical force against § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that PO Toro grabbed him by the shirt and threw him backwards against a wall. § 87(2)(b) did not corroborate this allegation, even though she was in the room when this allegedly occurred. § 87(2)(b) also alleged that PO Toro threw her against a fence. § 87(2)(b) who stated that he was present for the entire interaction between the officers and § 87(2)(b) did not corroborate this allegation. § 87(2)(b) a civilian witness to the entire incident, stated that she did not see an officer throw § 87(2)(b) against a fence. § 87(2)(g)

Allegation B - Discourtesy: PO Alex Toro spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b)

Allegation G – Discourtesy: PO Mashiel Santos spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) both alleged that PO Toro and PO Santos used discourteous language during the incident, an allegation both officers denied. § 87(2)(b) and § 87(2)(b) did not fully corroborate each other regarding the discourtesies allegedly used by the officers. § 87(2)(b) stated that she did not hear either officer use discourteous language at any point during the incident. § 87(2)(g)

Allegation C – Abuse of Authority: PO Alex Toro threatened to notify Administration for Children’s Services.

PO Toro stated that he told § 87(2)(b) that he was going to call ACS, due to the poor living conditions of her house, the fact that she was behaving in an irrational, combative manner, and because she was visibly intoxicated and there were children in the house. § 87(2)(b) corroborated that § 87(2)(b)'s behavior throughout the incident was “irrational” and also confirmed that § 87(2)(b) had consumed alcohol before the officers arrived, and that she was clearly intoxicated by the time the officers arrived at the house. Patrol Guide Procedure 215-03 states that an officer must notify ACS when he suspects that a child is neglected. A “neglected child” is defined as one whose parent or legal guardian cannot provide adequate care because that adult’s ability to do so is compromised due to “misusing alcoholic beverages to the extent that he loses self-control of his actions” (encl. a-b). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Abuse of Authority: PO Alex Toro entered § 87(2)(b)

Allegation E – Abuse of Authority: PO Mashiel Santos entered § 87(2)(b)

Both § 87(2)(b) and § 87(2)(b) alleged that PO Toro and PO Santos entered their house without permission. PO Toro stated that § 87(2)(b) and § 87(2)(b) both asked the officers to enter the house, and PO Santos stated that § 87(2)(b) asked the officers to enter the house. § 87(2)(b) stated that the officers only entered the house after § 87(2)(b) repeatedly refused to comply with their request to exit the house so they could speak with her, but this cannot be credited because all of the other civilians and officers agreed that their interaction began outside. § 87(2)(g)

§ 87(2)(g)

According to *New York Search and Seizure* (encl. d-e), per the emergency doctrine, “a police officer can enter premises without a warrant to protect individuals in distress and to assist victims of crimes that have just occurred.” The primary purpose of this exception is to “protect life or property,” (encl. d-e).

When the officers arrived at the location, they found that § 87(2)(b) was intoxicated, pregnant, and that there were children inside the house. It is undisputed that they learned this before their entry. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Force: Officers used physical force against § 87(2)(b)

The force § 87(2)(b) alleged that officers used throughout the incident was limited to slapping a phone from her hand and placing her on the ground to be handcuffed. § 87(2)(b) admitted that she actively resisted being handcuffed by the officers.

PO Santos, PO Toro, Sgt. Ceparano, and § 87(2)(b) all stated that § 87(2)(b) was intoxicated and behaving in an unruly manner during the incident. PO Santos, PO Toro, and § 87(2)(b) all noted that § 87(2)(b) threatened the officers with her dog, and that she also physically resisted being handcuffed and escorted out of the apartment. She acknowledged calling 911 while officers were already at the scene. § 87(2)(b) received no injuries during this incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation H – Abuse of Authority: PO Alex Toro threatened to damage § 87(2)(b)'s property.

§ 87(2)(b) alleged that PO Toro verbally threatened to shoot his dog. § 87(2)(b) did not corroborate this allegation, and instead alleged that she saw one of the officers - either PO Santos or PO Toro, but she was not sure which one - point a gun at the dog while § 87(2)(b) was holding on to it. Both officers stated that they informed § 87(2)(b) and § 87(2)(b) that they would shoot the dog if they let it go, because § 87(2)(b) was commanding it to attack. § 87(2)(b) herself stated in her testimony that the dog was aggressive towards non-family members, and noted that if the dog had not been locked up in the bedroom, the dog would have not allowed the officers entry into the apartment. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation I – Abuse of Authority: PO Mashiel Santos refused to provide her name and shield number to § 87(2)(b)

Allegation J - Abuse of Authority: PO Alex Toro refused to provide his name and shield number to § 87(2)(b)

Allegation K - Abuse of Authority: Sgt. Bruce Ceparano refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that when he and § 87(2)(b) asked PO Santos, PO Toro, and Sgt. Ceparano for their names, the officers refused to provide the information. § 87(2)(b) stated that he eventually found out their names when he went to the 120th Precinct. § 87(2)(b) said in her statement that she knew PO Santos and PO Toro's names because she had read their name plates during the incident, but did not corroborate that she had asked for Sgt. Ceparano's name or shield number. § 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date